

**Amendments to the Drawings:**

Please replace FIG. 2 with the replacement drawing included in the Appendix. Applicants submit that the amended FIG. 2 is fully supported by original FIG. 2 and by paragraph [00013] of the original disclosure, and that no new matter has been added. As amended, FIG. 2 has been corrected to more accurately reflect the process described in paragraphs [00011] – [00013]. Specifically, the CCMS connector has been given a unique reference number 208. Furthermore, a second directional arrow has been added to the connection between CCMS connector 208 and shared memory 204, indicating the reporting of information to CCMS 222, as described in paragraph [00013].

Please replace FIG. 7 with the replacement drawing included in the Appendix. Applicants submit that the amended FIG. 7 is fully supported by original FIG. 7 and paragraph [00045] of the original disclosure, and that no new matter has been added. As amended, FIG. 7 has been corrected to more accurately reflect the process described in paragraph [00045]. Specifically, the remote connector has been given a unique reference number 730 to avoid confusion with references to managed beans 710.

## **REMARKS**

Applicants respectfully request reconsideration of the above referenced patent application in view of the amendments and remarks set forth herein, and respectfully request that the Examiner withdraw all rejections. Claims 1, 3, 8, 9, 11, 14, 17-22, 26-28 and 31 have been amended. No claims have been canceled. No claims have been added. Thus, claims 1-32 are pending.

### **Claim Objections**

#### **Objections to the Drawings**

The Office Action objects to the drawings for including reference characters not mentioned in the description. First, the Office Action objects to the lack of reference in the specification to Ref. #204 in FIG. 2, Ref. #600 in FIG. 6, Ref. #1060 in FIG. 10, and Ref. # 1236 in FIG. 12. Furthermore, the Office Action objects to duplicate use of reference numbers 408 and 710 in the figures. Applicants traverse the above objection for at least the following reasons.

Applicants amend paragraphs [00013], [00033], [00074] and [00080] herein to assure that the reference numbers in the figures are mentioned in the specification. Applicants further amend FIGS. 2 and 7 and paragraph [00013] and [00045] to correct duplicative use of reference numbers. For at least the foregoing reasons, Applicants respectfully request that the above objection be withdrawn.

#### **Objections to the Specification**

The Office Action objects to paragraphs [00023], [00080] and [00091] of the specification, citing particular uses of reference numbers 540, 126 and 1424. Applicants have amended these paragraphs to refer to correctly use reference numbers 504, 1236 and 1426. For at least the foregoing reasons, Applicants request that the above objection be withdrawn.

### 35 U.S.C. §101 Rejections

The Office Action rejects claims 11-20 under 35 U.S.C. §101 as being directed toward non-statutory matter. More particularly, the Office Action alleges that the claims are directed to abstract ideas that are not tied to a technological art, environment, or machine which would result in a practical application producing a concrete, useful and tangible result. Applicants traverse the above rejection for at least the following reasons.

For determining whether the claimed invention complies with 35 U.S.C. §101, MPEP § 2106(IV)(A) states (emphasis added):

"Accordingly, a complete definition of the scope of 35 U.S.C. 101, reflecting Congressional intent, is that **any new and useful process, machine, manufacture or composition of matter under the sun that is made by man** is the proper subject matter of a patent."

Rejected claims 11-20 include independent claim 11, which is amended herein to recite in a salient portion (emphasis added):

**"A monitoring system graphical user interface** comprising: a hierarchical tree structure having one or more tree nodes...wherein at least one of the tree nodes is a monitor service tree node...wherein **in response to the monitor service tree node being selected, a monitor tree is displayed** in the graphical user interface, the displayed monitor tree having one or more selectable monitor tree nodes, wherein each of the one or more monitor tree nodes includes a monitor managed bean and an associated resource."

Applicants respectfully submit that the claimed monitoring system graphical user interface is at least a **manufacture**, for the purposes of M.P.E.P. §2106. More particularly, the monitoring system graphical user interface of claim 11 is a manufacture that, at the very least, **displays a monitor tree** having one or more selectable monitor tree nodes **in response to** the monitor service tree node being selected. The monitoring system graphical user interface of claim 11 thereby provides the useful, tangible and concrete result required of statutory subject matter under 35 U.S.C. §101.

The Office Action alleges that no computer-readable medium or other hardware is positively recited to establish a statutory category or enable any functionality of the

recited descriptive material to be realized. Here, the Office Action seems to raise some additional tangibility requirement under 35 U.S.C. §101, without citing to a basis therefore in either 35 U.S.C., 37 C.F.R. or the M.P.E.P., for example. Applicants simply note that 35 U.S.C. §101 requires tangibility of a **result** only. By displaying a monitor tree in response to a monitor service tree node being selected, claim 11 provides such a result. Accordingly, claim 11 constitutes statutory subject matter under 35 U.S.C. §101. In depending directly or indirectly from claim 11, each of rejected claims 12-20 provides at least the same concrete, tangible and useful result. Each of claims 11-20 therefore constitute statutory subject matter. For at least the foregoing reasons, Applicants request that the above 35 U.S.C. §101 rejection of claims 11-20 be withdrawn.

### **35 U.S.C. §112 Rejections**

#### **Rejections under 35 U.S.C. §112, ¶2**

The Office Action rejects claims 3-10, 14, 17, 18-20, 22-26 and 28-32 under 35 U.S.C. §112, ¶2 for failure to point out and distinctly claim that which Applicants regard as their invention. Claims 3, 8, 9, 22, 26, 28 and 31 are variously rejected for a lack of antecedent basis for the phrase “an indication”. Claims 3, 9, 22, 28 and 31 are variously rejected for a lack of antecedent basis for the phrase “a monitor tree node”. Claim 8, 14, 17-20 and 26 are variously rejected for a lack of antecedent basis for the phrase “the monitor tree node”. For at least the following reasons, Applicants traverse the above rejections.

Without agreeing that the above rejected claims fail to point out and distinctly claim that which Applicants regard as their invention, Applicants amend the claims herein to further advance prosecution of the application. A “first”, “second” and “third” indication are variously recited in amended claims 3, 8, 9, 22, 26, 28 and 31, to further distinguish the meanings of “indication.” Furthermore, “one of the one or more monitor tree nodes” is variously recited in amended claims 3, 9, 22, 28 and 31, to further distinguish the meaning of “monitor tree node”. Furthermore, “selected monitor tree

node” is variously recited in amended claims 8, 14, 17-20 and 26, to further distinguish the meaning of “monitor tree node”.

Applicants respectfully submit that currently amended claims 3, 8, 9, 14, 17-20, 22, 26, 28 and 31 each particularly point out and distinctly claim that which Applicants regard as their invention. The Office Action rejects claims 4-8, 10, 19, 20, 23-26, 29, 30 and 32 under 35 U.S.C. §112, ¶2 solely on the basis of the alleged deficiencies addressed by the above-discussed amendments. For at least the foregoing reasons, Applicants request that the above 35 U.S.C. §112, ¶2 rejection of claims 3-10, 14, 17, 18-20, 22-26 and 28-32 be withdrawn.

### **35 U.S.C. §103(a) Rejections**

The Office Action rejects claims 1-5, 7, 11-14, 21-24 and 27-30 under §103(a) as being obvious in light of Hanchett et al., USPN 6,834,301 (“*Hanchett*”) in view of Melillo, US Pub. No. 2004/0003122A1 (“*Melillo*”). The Office Action rejects claims 6, 8, 9, 10, 15-20, 25, 26, 31 and 32 under §103(a) as being obvious in light of *Hanchett* in view of *Melillo* as cited and applied to claim 1, in view of Kekic et al., USPN 6,664,978 (“*Kekic*”). For at least the following reasons, Applicant respectfully traverses these rejections.

#### **35 U.S.C. §103(a) Rejection over *Hanchett* and *Melillo***

In rejecting claims 1-5, 7, 11-14, 21-24 and 27-30, the Office Action cites column 4, lines 32-44 of *Hanchett*, alleging that it teaches, *inter alia*, a hierarchical tree structure having one or more selectable tree nodes in a graphical user interface, each of the one or more tree nodes representing a resource of an application server. *Melillo* is alleged to disclose the management bean variously recited in the claims. To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *See* M.P.E.P. § 2143.03.

The above rejected claims include independent claims 1, 11, 21 and 27. Currently amended independent claim 1 states in a salient portion (emphasis added):

“...displaying a hierarchical tree structure having one or more selectable tree nodes in a graphical user interface, **each of the one or more tree nodes representing a resource of an application server**, wherein at least one of the tree nodes is a monitor service tree node, the monitor service tree node representing a monitor service of the application server:...”

Independent claims 11, 21 and 27 variously recite similar limitations. The application describes examples of monitored resources of an application server which “include, and are not limited to: the kernel, services, interfaces, libraries for each of the dispatchers and servers, network connections, memory consumption, threads, classloaders, database connections, database transactions, HyperText Transport Protocol (“HTTP”) cache, Java Messaging Service (“JMS”) queries and topics, sessions, and the like.” *See* paragraph [0011].

Applicants respectfully submit that the above rejected claims are not obvious in light of the references based at least in part on a failure of *Hanchett* and *Melillo* to teach or suggest at least one limitation in each of independent claims 1, 11, 21 and 27. More particularly, the references **fail** to teach or suggest displaying a hierarchical tree structure having one or more selectable tree nodes in a graphical user interface, each of the one or more tree nodes **representing a resource of an application server**, as variously recited in the claims.

The Office Action offers col. 4, lines 32-44 of *Hanchett* as disclosing the above-cited limitation. *Hanchett* describes a management console 106 which may display details of a hierarchical network directory tree, and alternatively or additionally enable a network administrator to select a node such as an end node and display applications under management for the selected node. *See* col. 4, lines 32-44. However, the nodes in the hierarchical network directory tree in *Hanchett* **merely** represent the various networked **devices** of a network, where the end nodes of the network are leaves of the hierarchical network directory tree. *See* Abstract and col. 3, lines 52-56. In other words, *Hanchett* describes a hierarchical network directory tree having nodes – out to its end nodes (or “leaves”) – that **only** represents networked devices. *Hanchett* **fails** to disclose any type of hierarchical tree structure having one or more tree nodes representing a **resource** of an

application server. Assuming *arguendo* that a network node in *Hanchett* anticipates the application server recited in the claims, which Applicants do not agree, *Hanchett* fails to disclose displaying the **resources** of such an application server in a hierarchical network directory tree.

The Office Action does not offer *Melillo* as teaching or suggesting the hierarchical tree structure recited in the claims, and Applicants submit that *Melillo* **fails** to teach or suggest such a hierarchical tree structure. Accordingly, each of independent claims 1, 11, 21 and 27 include at least one limitation which is non-obvious in light of *Hanchett* and *Meilillo*. If an independent claim is non-obvious under 35 U.S.C. §103, then any claim depending therefrom is non-obvious. See M.P.E.P. §2143.03. For at least the foregoing reasons, Applicants request that the above 35 U.S.C. §103(a) rejection of claims 1-5, 7, 11-14, 21-24 and 27-30 based on *Hanchett* and *Meilillo* be withdrawn.

**35 U.S.C. §103(a) Rejection over *Hanchett*, *Melillo* and *Kekic***

In rejecting claims 6, 8, 9, 10, 15-20, 25, 26, 31 and 32, the Office Action relies on the arguments presented for the 35 U.S.C. §103(a) rejection of independent claims 1, 11, 21 and 27 based on *Hanchett* and *Meilillo*. As previously discussed, *Hanchett* and *Meilillo* **fail** to teach or suggest at least one limitation recited in each of independent claims 1, 11, 21 and 27. More particularly, *Hanchett* and *Meilillo* fail to teach or suggest displaying a hierarchical tree structure having one or more selectable tree nodes in a graphical user interface, each of the one or more tree nodes representing a **resource of an application server**, as variously recited in the claims.

The Office Action offers *Kekic* as disclosing polling events, setting threshold values, displaying a history of monitor data, a table of monitor data, a configuration pop-up window and configuration options, as variously recited in the above rejected claims. However, the Office Action **fails** to offer any combination of *Hanchett*, *Melillo* and *Kekic* as teaching or suggesting the above-discussed claim limitations which are non-obvious in light of *Hanchett* and *Melillo* alone. Applicants respectfully submit the hierarchical tree structure variously recited in claims 1, 11, 21 and 27 – which is non-obvious in view of

*Hanchett* and *Melillo* – remains non-obvious when further in view of *Kekic*. If an independent claim is non-obvious under 35 U.S.C. §103, then any claim depending therefrom is non-obvious. See M.P.E.P. §2143.03. For at least the foregoing reasons, Applicants request that the above 35 U.S.C. §103(a) rejection of claims 6, 8, 9, 10, 15-20, 25, 26, 31 and 32 based on *Hanchett*, *Melillo* and *Kekic* be withdrawn.



CONCLUSION

For at least the foregoing reasons, Applicants submit that the objections and rejections have been overcome. Therefore, claims 1-32 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application. Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,  
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**Appendix:**

Please refer to the attached replacement figures hereafter.